

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, 62706GEORGE H. RYAN
GOVERNOR

August 21, 2002

To the Honorable Members of the
Illinois House of Representatives
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 4179, entitled "AN ACT in relation to criminal law," with my specific recommendations for change.

House Bill 4179 amends the Criminal Code to amend the offense of aggravated assault concerning emergency medical technicians (EMTs) and other medical assistance personnel. It deletes the requirements that the EMT must be an employee of a municipality or other governmental unit. This legislation also ensures that employees of a police or sheriff's department engaged in the performance of authorized duties are protected under the aggravated assault and aggravated battery laws. This legislation also increases the penalty for aggravated assault of an emergency medical technician when a firearm is used from a Class A misdemeanor (up to 1 year in county jail and/or fine up to \$2,500) to a Class 4 felony (1 to 3 years in prison and/or fine up to \$25,000).

Emergency medical technicians, as well as police officers and firefighters, have a difficult job. The same holds true for employees of a police department. Any protection that these professions can receive from crimes committed against them is important because we depend on these public safety professions to protect us. The least we can do is protect them and penalize those who prevent the performance of their duties. I do not disagree with the purpose of such legislation to equalize such offenses as aggravated assault or aggravated battery when the victim is an EMT or employee of a law enforcement agency. However, there are some inconsistencies in language of this legislation that need to be corrected. Both of the aggravated assault and aggravated battery statutes have sections that reference "official duties", as opposed to "authorized" which is the language being used in this legislation. Furthermore, there were some inadvertent errors that must be corrected. To ensure consistency, clarify other provisions, and prevent court challenges, I recommend the changes set forth below.

In addition, because of the importance of this legislation, I request that the effective date of this legislation be amended as to have the original effective date as this legislation had when it came to my desk. Any amendatory veto action would move the effective date to June 1, 2003, unless otherwise stated. Thus, I also recommend that this legislation state the effective date as January 1, 2003.

For these reasons, I return House Bill 4179 with the following recommendations for change:

On page 3, lines 10 and 14, by replacing "official" each time it appears with "official";

On page 4, line 20, by replacing "authorized" with "official"; and

On page 8, line 13, by inserting "engaged" after "department"; and

On page 8, line 14, by replacing "authorized" with "official"; and

On page 9, by inserting after line 12 the following:

"Section 99. Effective date. This Act takes effect January 1, 2003."

With these specific recommendations for change, House Bill 4179 will have my approval. I respectfully request your concurrence.

Sincerely,
s/GEORGE H. RYAN
Governor